

CHAPTER 10
CODE VIOLATIONS

Article 1. Procedures

Title 1. General Provisions

Section 10-1101. Definitions

In this Article, the following words, terms, phrases, and their derivations shall have the meanings indicated.

Misdemeanor. The violation of any ordinance, Code or state statute provision which has been deemed to be a criminal offense not amounting to a felony and which has not been specifically declared to be a municipal infraction.

Municipal Infraction. The violation of any ordinance or Code provision specifically declared to be punishable as a municipal infraction and not otherwise deemed to be a criminal offense under state or county law; a municipal infraction is a civil offense.

Section 10-1102. Notice of Violation

The violation of any City of Brunswick Code provision not specifically declared to be punishable as a municipal infraction may be evidenced by the issuance of a notice of violation as an alternative to arrest or the obtaining of a warrant for such violation. A police officer, or an authorized agent of the City witnessing a violation shall be authorized to issue such notice of violation to any person when that alternative would best meet the needs of justice and expediency under the circumstances; provided that the person shall be personally served by such officer or agent and that the person consents voluntarily in writing to accept such notice and to appear in court as provided herein.

(A) The notice of violation shall contain and specify:

- (1) The violation with which such person is charged.
- (2) The hour, date, and location of the court for the county in which such person will be summoned to appear.
- (3) A place in which the person may endorse the notice by signing his name and address, indicating his receipt thereof and willingness to appear.

(B) If a person does not willingly consent to the issuance of the notice of violation the officer or agent may:

- (1) If the agent who has witnessed the violation is a police officer, proceed to arrest the person.

(2) If the authorized agent is not a police officer, proceed to obtain an arrest warrant in the manner provided by law.

(C) The person serving the notice of violation shall make proof of his service to the court promptly and, in any event, within the time during which the person served must respond to the notice. Failure to make proof of service to the court, however, shall not affect the validity of the notice.

Section 10-1103. Abatement of Public Nuisances

If any person shall fail to abate any public nuisance condition after receipt of the City's notice to abate and within a reasonable time as may be specified in such notice, the condition may be abated by the City at the expense of the person named in such notice. Abatement by the City shall not bar the prosecution of the person responsible for the condition abated.

Title 2. Municipal Infraction Procedures

Section 10-1201. Declaration of Municipal Infractions

The City Council shall by ordinance declare the violation of which Code or Ordinance provisions shall be municipal infractions.

Section 10-1202. Issuance of Citation for Municipal Infractions

Those enforcement officials authorized by the Council to enforce City ordinances may deliver a citation to any person alleged to be committing a municipal infraction. The issuing officer shall file copies of any such citation at the headquarters of the police department and in the office of the City Clerk/Treasurer.

Citations issued under this ordinance shall contain the following information:

- (A) Name and address of the person charged.
- (B) The nature of the infraction.
- (C) The location and time that the infraction occurred.
- (D) The amount of the infraction fine assessed and the amount which shall be due upon failure to make timely payment.
- (E) The manner, location and time in which the fine may be paid to the municipality; and
- (F) The right of the accused to elect to stand trial for the municipal infraction.

Section 10-1203. Payment of Fine

The fine is payable by the recipient of the citation to the City Clerk/Treasurer within twenty (20) calendar days of receipt of the citation.

Section 10-1204. No Formal Hearing

The City shall not conduct any formal hearing for those persons in receipt of a citation for a municipal infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the municipal infraction.

Section 10-1205. Election to Stand Trial

A person who receives a citation for an infraction may elect to stand trial for the offense by giving notice to the City Clerk at least five (5) days prior to the date by which payment shall be required under the citation. Upon receipt of such notice the City Clerk/Treasurer shall forward to the District Court of Maryland for Frederick County a copy of the citation indicating the recipient's intention to stand trial.

Section 10-1206. Failure to Pay Fine

(A) In the event that an individual, who is charged with a violation the fine for which is designated as Classes A through D in Section 10-2202 does not pay the fine set forth on the citation within twenty (20) days from the date of the citation; the fine shall be doubled, provided that any resulting fine which exceeds \$400.00 shall be waived. If the recipient of the citation has not made payment of the fine noted thereon within twenty (20) days from the date of the notice from the Police Department, the City may request adjudication of the case in the District Court of Maryland for Frederick County, which will thereupon schedule the trial and summon the recipient of the citation to appear.

(B) Upon failure of an individual to pay the fine noted on the citation of an offense which has a maximum fine of Classes E through G within thirty (30) days after the date noted on the citation, the Police Department shall "flag" the registration of the vehicle involved in the infraction by notifying the Motor Vehicle Administration of the non-payment of the fine in the case of an automobile registered in the State of Maryland. In the event that the vehicle involved in the citation is registered in a State other than Maryland, the Police Department shall seize and store the vehicle at the vehicle owner's expense until all outstanding citations are satisfied.

Section 10-1207. Rights of Accused

In any proceeding for municipal infraction, the accused shall have the right to cross-examine witnesses, to testify or introduce evidence, and to be represented by an attorney of his own selection and at his own expense.

Article 2. Penalties

Title 1. General Provisions

Section 10-2101. General Misdemeanor Penalties

Unless otherwise specifically enumerated in this Code, any person found guilty of violating any provision of this Code for which violation is a “misdemeanor,” as defined in Section 10-1101, shall be subject to a fine not to exceed \$1,000 and imprisonment not to exceed six months or both such fine and imprisonment for each offense.

Section 10-2102. General Municipal Infraction Penalties

The general penalty for commission of a municipal infraction shall be fifty dollars (\$50.00), unless another fine has been enumerated. In no event shall the fine actually imposed exceed three hundred dollars (\$300.00) for the first offense or six hundred dollars (\$600.00) for each repeat offense.

Section 10-2103. Continuing Violations

Each day a violation of this Code or any City Ordinance continues, shall, unless otherwise provided, constitute a separate or repeat offense.

Title 2. Enumerated Penalties

Section 10-2201. Enumerated Penalties for Misdemeanors

Any violation of the Code provisions listed in this Section shall constitute and be punishable as a misdemeanor and shall be subject to the maximum fine and/or jail term for the class of penalty specified. If a violation has not been declared a municipal infraction and the class of penalty is not specified in this Section, the general misdemeanor penalties at Section 10-2101 shall apply.

MISDEMEANOR	
SECTION	PENALTY CLASS
2-3101 to 2-3404	A
5-1401 to 5-1407	C
6-1401	C
6-2201 to 6-2207	A
6-2301	A
6-2302	B
6-2303	C
6-2304	A
6-2306	C
6-2501	A
6-3101	C
6-3102	A

Revisor's Note: All enumerated misdemeanor classes should be referenced to the Section number and inserted at this Section.

Section 10-2202. Enumerated Penalties for Municipal Infractions

Any violation of the Code provisions listed in this Section shall constitute and be punishable as a municipal infraction and shall be subject to the maximum fine for the class of penalty specified for a first offense. If a violation has been declared a municipal infraction and the class of penalty is not specified in this section, the general municipal infraction penalties at Section 10-2102 shall apply.

<u>SECTION</u>	<u>MUNICIPAL INFRACTION</u> <u>PENALTY CLASS</u>
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3-1102 to 3-1104	C	[Section 3-1103 is included here as Class C]
3-1103	D	[Section 3-1103 is specified separately as Class D]
3-1105 to 3-1106	D	
3-1107 to 3-1109	C	
3-1110	F	
3-1201 to 3-1202	D	
3-1203 to 3-1205	D	
3-1207	D	
3-2104	C	
3-2201	A	
3-2202	C	
3-2204	B	
5-1103	D	
5-1106	D	
5-1107	B	
6-1301	D	
6-1302	D	
6-1402	D	
6-1403	D	
6-1404(A) and (B)	G	
6-1404(C)	E	
6-1404(D)	C	
6-1404(E) and (F)	D	
6-1404(G)	F	
6-1404(H) and (I)	E	
6-1405	D	
6-1406	D	
6-2305	D	
6-2401	D	

Revisor's Note: All enumerated municipal infraction classes should be referenced to the Section number and inserted at this Section.

Section 10-2203. Maximum Fines

(A) The maximum fine and/or jail term for enumerated misdemeanors shall be:

	<u>MAXIMUM FINE</u>	<u>MAXIMUM JAIL TERM</u>
Class A Misdemeanors:	\$1,000	90 Days
Class B Misdemeanors:	\$ 300	
Class C Misdemeanors:	\$ 100	

(B) The maximum fine for enumerated municipal infractions shall be:

Class A Municipal Infractions:	\$ 300
Class B Municipal Infractions:	\$ 100
Class C Municipal Infractions:	\$ 50
Class D Municipal Infractions:	\$ 25
Class E Municipal Infractions:	\$ 10
Class F Municipal Infractions:	\$ 5
Class G Municipal Infractions:	\$ 3

____ If the person charged with a Class F or G municipal infraction fails to pay the fine on the payment date set forth in the citation, the fine shall be increased to ten dollars (\$10.00). If the person charged with a Class E, F, or G municipal infraction does not pay the fine within thirty (30) days after the payment date noted on the citation, the fine shall be increased to thirty-five dollars (\$35.00).